

Message Text

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TAGS: PFOR, EGEN, NATO

SUBJ: CSCE: INDUSTRIAL COOPERATION AND TRADE

REF: GENEVA 3215

1. IN RESPONSE QUESTIONS PARA. 4 REFTEL RE 1958 CONVENTION
ON RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS,
FOLLOWING IS PROVIDED:

2. PURPOSE OF CONVENTION IS TO SECURE AGREEMENT OF
PARTIES TO GIVE EFFECT WITHIN THEIR TERRITORIES TO ARBITRAL
AWARDS MADE BY TRIBUNALS IN OTHER COUNTRIES. ABSENT SUCH
AN AGREEMENT, COURTS IN ONE COUNTRY WOULD HAVE NO DUTY
TO ENFORCE ARBITRAL AWARD MADE IN A THIRD COUNTRY AGAINST
ONE OF ITS NATIONALS. IF INTERNATIONAL COMMERCIAL
ARBITRATION IS TO BE EFFECTIVE, THERE MUST BE CERTAINTY

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THAT A PROPER AWARD RENDERED IN ACCORDANCE WITH AN AGREE-

MENT BETWEEN PARTIES TO ARBITRATE DISPUTES WILL BE GIVEN
EFFECT IN THE COUNTRY IN WHICH THE LOSING PARTY IS LOCATED.

3. PRINCIPAL COMMITMENT IN CONVENTION THEREFORE IS TO
RECOGNIZE AS ENFORCEABLE WITHIN ITS TERRITORIES AN
ARBITRAL AWARD RENDERED IN ANOTHER COUNTRY. SIGNATORIES
HAVE OPTION, WHICH MOST, INCLUDING US, HAVE EXERCISED, TO
LIMIT AGREEMENT SO AS TO RECOGNIZE ONLY AWARDS MADE IN THE
TERRITORIES OF OTHER SIGNATORIES. CONVENTION SETS FORTH

SPECIFIC AREAS, SUCH AS PUBLIC POLICY, FRAUD AND PROCE-
DURAL IRREGULARITY, WHICH MAY JUSTIFY REFUSAL TO ENFORCE
AWARD, NOTWITHSTANDING CONVENTION. SIGNATORIES ALSO
AGREE TO REQUIRE ARBITRATION OF DISPUTES COVERED BY
AGREEMENTS TO ARBITRATE BEFORE CONSIDERING THESE DISPUTES
IN THEIR COURTS.

4. SIGNATORIES AS OF JAN. 1, 1974, WERE: AUSTRIA,
BOTSWANA, BULGARIA, BYELORUSSIAN SSR, CENTRAL AFRICAN
REP., CZECHOSLOVAKIA, DENMARK, ECUADOR, EGYPT, FINLAND,
FRANCE, FRG, GHANA, GREECE, HUNGARY, INDIA, ISRAEL,
ITALY, JAPAN, KHMER REP., REP. OF KOREA, MADAGASCAR,
MEXICO, MOROCCO, NETHERLANDS, NIGER, NIGERIA, NORWAY,
PHILIPPINES, POLAND, ROMANIA, SRI LANKA, SWEDEN,
SWITZERLAND, SYRIA, TANZANIA, THAILAND, TRINIDAD AND
TOBAGO, TUNISIA, UKRAINIAN SSR, USSR, AND US. KISSINGER

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